

1 BY MR. WRUBEL:

2 Q There's issue as to whether or not you were
3 actually subpoenaed for today or not. If this matter
4 goes to trial, and it's set in March, I would like to be
5 able to subpoena you to come to trial. Now, I presume
6 that you don't want to be harassed with a subpoena, but
7 I want to be in a position where I can serve you. Is
8 there a place where I can serve you with a subpoena, or
9 would you be willing to indicate that the attorneys at
10 GrayRobinson can accept a subpoena for you?

11 MR. SCHWARTZ: Any subpoenas that are
12 appropriate under the Florida law and applicable to
13 Ms. Riley can be served on me.

14 MR. WRUBEL: Okay. That takes care of that.

15 MR. SCHWARTZ: And we reserve all rights to
16 object to any improprieties as related to the
17 subpoenas.

18 MR. WRUBEL: Improprieties such as?

19 MR. SCHWARTZ: To the extent your subpoena form
20 or substance is improper, I reserve the right to
21 object, but you can serve me, yes.

22 MR. WRUBEL: Okay. For her.

23 MR. SCHWARTZ: Yes.

24 MR. WEISS: Let's just clarify. He's saying
25 for purposes of an address, service address?

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1 MR. WRUBEL: No.

2 MR. WEISS: He said care of Roland Schwartz?

3 MR. WRUBEL: Right.

4 MR. WEISS: Whether or not, you know, it's
5 within the subpoena power of the court. He's not --

6 MR. SCHWARTZ: That's what I said.

7 MR. WEISS: He's not waiving the formality --

8 MR. SCHWARTZ: That's why I said for purposes
9 of the address serve subpoenas on me. To the extent
10 that there's an impropriety with respect to the
11 subpoena, we reserve the right to object. But
12 that's a legal issue, obviously.

13 MR. WRUBEL: Obviously.

14 MR. SCHWARTZ: But no, you don't need to go to
15 her house to serve her.

16 MR. WRUBEL: You're authorized to accept for
17 her.

18 MR. SCHWARTZ: Correct.

19 MR. WRUBEL: That's all I need.

20 MR. SCHWARTZ: Okay. But reserve the rights to
21 still object once -- once I'm served.

22 MR. WEISS: You're not stipulating --

23 MR. SCHWARTZ: Correct.

24 MR. WEISS -- that --

25 MR. SCHWARTZ: Right.

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1 MR. WEISS: -- that's service --

2 MR. SCHWARTZ: Right.

3 MR. WEISS: -- or anything from you.

4 MR. WRUBEL: I understand.

5 MR. SCHWARTZ: Can be addressed to me, and then
6 we'll take it from there.

7 MR. WRUBEL: Okay.

8 BY MR. WRUBEL:

9 Q For the record, what is the address that you
10 work at?

11 A 7757 Bayberry.

12 Q 7757?

13 A Bayberry Road.

14 Q And I take it that's part of Jacksonville
15 proper?

16 A Yes, it is.

17 Q Does -- Jacksonville proper is the whole county
18 still?

19 A I don't think it is.

20 Q I don't know. I just remember years ago they
21 did it that way.

22 MR. WRUBEL: I got nothing else. You got
23 anything?

24 MR. OROZCO: No.

25 MR. SCHWARTZ: Let's take five minutes, and

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1 ' then we'll have some questions.

CROSS-EXAMINATION

3, BY MR. SCHWARTZ:

4 Q Ms. Riley, there was some testimony about the
5 fact that you did not directly supervise the employees
6 in South Carolina. Remember that testimony?

7 A Yes.

8 | Q Okay. You do know some of the supervisors who
9 | oversaw the South Carolina operations, don't you?

10 A Yes. We worked together for some time.

11 Q In Jacksonville?

12 : A No. They were in Florence. I was in
13 : Jacksonville.

14 Q Isn't it true that along with some of those
15 supervisors you were involved in developing and
16 implementing note endorsement procedures?

17 A Yes. We had procedures on both sides that were
18 developed and put together and followed.

19 | Q And some of the supervisors that were involved
20 in developing those endorsement procedures with you were
21 | tasked with overseeing those same procedures in South
22 | Carolina?

23 A That's correct.

24 MR. WRUBEL: Objection to the form.

25 Q Who oversaw the procedures of endorsing notes

1 in South Carolina?

2 A My counterparts.

3 Q What were they tasked with?

4 MR. WRUBEL: Objection to the form.

5 Q Go ahead.

6 A Their functions would be the same as mine.

7 There was dual operations in Jacksonville and South
8 Carolina.

9 Q Okay. You know for a fact that those
10 endorsement procedures stayed the same --

11 MR. WRUBEL: Objection.

12 Q -- once the operations were moved to South
13 Carolina?

14 MR. WRUBEL: Objection to the form.

15 A Yes. I helped move those procedures to South
16 Carolina, and they had the dual operations already in
17 effect.

18 Q You also testified that you provide -- while
19 you were in Jacksonville from 2004 to 2006 you provided
20 a few sample signatures from which stamps were made; is
21 that fair?

22 A Yes.

23 Q Okay. Let's just --

24 MR. WRUBEL: Objection to the form of the last
25 question.

1 MR. SCHWARTZ: You need to object before I ask
2 the question, but that's fine -- before she answers
3 actually, not before I ask the question.

4 MR. WRUBEL: It's all right.

5 BY MR. SCHWARTZ:

6 Q Were you involved in any way, shape, or form in
7 actually manufacturing the stamps?

8 A No.

9 Q Do you know which sample signatures were picked
10 for what stamp?

11 MR. WRUBEL: Objection to the form.

12 A No.

13 Q You also testified you were not endorsing notes
14 yourself with a stamp; is that accurate?

15 A That's correct. I was not.

16 Q Do you know for sure that one sample signature
17 was picked for all of the stamps that were made?

18 A I don't know.

19 Q So can you be sure that all of the stamps were
20 assigned the same sample signature?

21 MR. WRUBEL: Objection to the form.

22 A I don't know that I can be sure of that. I can
23 be sure it's my signature.

24 Q Also while in Jacksonville from 2004 to 2006
25 did you endorse notes by hand, yes or no?

1 A Yes.

2 Q Let's go back to Stockton before 2004. Was
3 there a stamp made with your name to endorse notes while
4 at -- while in Stockton?

5 A There was a stamp with my name on it, yes,
6 without a signature.

7 Q Was there -- and you would, then, sign
8 endorsements by hand while in Stockton?

9 A I would have to sign.

10 Q Was there one version of the stamp made while
11 in Stockton or more?

12 A There could -- there were other versions in
13 Stockton. There were other versions of the stamp, yes.

14 Q How -- how were the versions different?

15 A In the case there would be Cindy Riley on a
16 stamp, and in another case it would be Cynthia A. Riley.

17 Q In both cases it was you?

18 A It was me.

19 Q And you would sign that by hand?

20 A And I would -- there were occasions where I
21 signed by hand, yes.

22 Q Were you authorized by your employer to sign
23 notes by hand?

24 MR. WRUBEL: Objection. Form.

25 A Yes, I had authorization.

1 Q Did you authorize other people to use stamps
2 with your name on it?

3 A Yes.

4 MR. WRUBEL: Objection. Form.

5 Q Did your employer authorize you to allow other
6 name -- stamp your name on notes?

7 MR. WRUBEL: Objection. Form.

8 A I don't understand the question actually.

9 Q The whole process of stamping the name on
10 notes, did that come from your supervisor?

11 MR. WRUBEL: Objection. Form.

12 A Yes. It was the procedures that we used, and
13 there was authorization.

14 Q Was there any secrecy or fraud about it?

15 A No.

16 MR. WRUBEL: Objection. Form.

17 Q Was it all in the open?

18 MR. WRUBEL: Objection. Form.

19 A It was all in the open.

20 Q Your employers received communication from
21 supervisors as far as policies and procedures --

22 MR. WRUBEL: Objection. Form.

23 Q -- as far as what policies and procedures to
24 follow?

25 A Yes.

1 Q And they followed those policies and
2 procedures?

3 A Absolutely.

4 MR. WRUBEL: Objection. Form.

5 Q Is it -- the Exhibit 1 that was presented to
6 you during this deposition, is that your signature on
7 the note?

8 A Yes, it is.

9 MR. SCHWARTZ: You go ahead. I'll think.

10 MR. WEISS: Okay.

11 MR. WRUBEL: I'm going to object to you asking
12 any questions, Mr. Weiss. You're not a party to
13 this litigation.

14 MR. WEISS: Okay.

15 MR. SCHWARTZ: We can take a two-minute break.
16 I mean, we can short-circuit this, but that's no
17 problem.

18 (Break taken.)

19 BY MR. SCHWARTZ:

20 Q Ms. Riley, when you were in Jacksonville from
21 2004 to 2006, as a matter of business practice how soon
22 would notes get endorsed after the deed of closing?

23 MR. WRUBEL: Objection. Form.

24 A The notes after closing occurred were shipped
25 into our office, and we would go through the note review

1 process, endorse them, send them to the custodian. And
2 that would just be a matter of days.

3 Q So the endorsement would be placed on the note
4 within days after closing as a matter of business
5 practice?

6 A Yes.

7 MR. WRUBEL: Objection to the form.

8 MR. SCHWARTZ: This is what I'll show Ms. Riley
9 next (tenders document).

10 MR. WRUBEL: I'd like a chance to review it
11 before you show her.

12 MR. SCHWARTZ: Fine.

13 MR. WRUBEL: Okay.

14 MR. SCHWARTZ: Okay. We'll call this -- what
15 are we doing, numbers or letters? We'll call this
16 Plaintiff's Exhibit 1 to the deposition. It says A,
17 so we'll just change it.

18 Do you want to mark it before I ask questions?

19 (Plaintiff's Exhibit 1 was marked for
20 identification.)

21 BY MR. SCHWARTZ:

22 Q Ms. Riley, on top of what's been marked as
23 Plaintiff's Exhibit 1 on top of Page 1 it has a
24 reference to foreclosure hamlet.

25 A Yes.

1 Q Have you heard of foreclosure hamlet before?

2 A I have, yes.

3 Q How so?

4 A In -- on the Internet with association with my
5 name.

6 Q Do you recognize this as a printout from that
7 website?

8 A It appears to be, absolutely.

9 Q If you go to Page 6 of this exhibit, the
10 comment in the middle of the page that's dated June 10th
11 of 2010, do you see that?

12 A Yes.

13 Q At 12:56 p.m.?

14 A Yes.

15 Q In the middle of that paragraph that starts
16 with, Riley is not one of the corporate executives, you
17 see that?

18 A Yes.

19 Q She's just a low-level secretary now being used
20 to take away homes. I've been quietly watching her for
21 over seven months. Then down below it says, They're
22 trying to hide her, but for how long? She's on the run.
23 Let's run her down and run her out of breath.

24 Does this provide you with a feeling of safety
25 and security?

1 A Absolutely not.

2 Q Do you feel like you're being hunted and
3 watched by someone out there?

4 A Yes.

5 Q When you said that you had no concerns with
6 what you said today during your deposition, did you mean
7 you had no reservations how you did your job at
8 Washington Mutual?

9 MR. WRUBEL: Objection to the form.

10 A I have no reservations about my job at
11 Washington Mutual and what I did, correct.

12 Q And instead your reservation comes from people
13 like this, misconstruing what you did and putting it in
14 a threatening fashion; is that correct?

15 MR. WRUBEL: Objection to the form.

16 A Absolutely what's on here is -- is very
17 threatening.

18 Q On the same chain in this exhibit, which is a
19 blog chain, on Page 2, do you see -- the first entry at
20 6:24 p.m., do you see the name of Eduardo Orozco in the
21 same chain?

22 A Yes.

23 Q Is that the borrower in this case?

24 A Yes.

25 Q In fact, is that the gentleman sitting in front

1 of you today?

2 A Yes.

3 Q Do you have reservations about people
4 misconstruing what you did and making it a matter of
5 public report?

6 MR. WRUBEL: Objection to the form.

7 Q Go ahead.

8 A Absolutely, yes.

9 Q Do you get unanimous calls today?

10 A I get unanimous calls. Yes, I do.

11 Q When was the most recent call?

12 A I had a call just last week. Somebody calling
13 up asking where 7757 was located.

14 Q What did you say?

15 A I asked who was calling. They would not
16 identify themselves initially. Then they'd claim to be
17 60 Minutes and -- and that they were looking to find the
18 location. And I -- I did not help them with that, and
19 the call was ended.

20 Q Have you had people calling you and telling you
21 that your career's going to go down the toilet?

22 MR. WRUBEL: Objection to form.

23 A I've had a number of calls, and that was one of
24 them where it was -- he kept calling back, and he called
25 back several times. Finally he left a message that

1 said, This is what's going to happen with your career,
2 and it's going down the toilet, yes. That's happened as
3 well.

4 Q Does this seem -- these calls, these
5 threatening, unanimous call, is there any end in
6 sight --

7 MR. WRUBEL: Objection to the form.

8 Q -- as far as you know?

9 A It doesn't seem like it, no

10 Q Have they decreased over time in frequency?

11 MR. WRUBEL: Objection to the form.

12 A No. They've -- actually I've been getting more
13 recently.

14 Q Are they pleasant?

15 A No. I generally screen the calls now.

16 MR. WRUBEL: Form.

17 A If I don't recognize the area code on the phone
18 or the phone number, I let it go to message.

19 Q Do you want them to stop?

20 A Of course I do.

21 MR. WRUBEL: Form.

22 Q Would you wish what's in Exhibit -- in
23 Plaintiff's Exhibit 1 upon somebody?

24 A Absolutely not.

25 Q Did you do anything wrong?

1 MR. WRUBEL: Objection to form.

2 A I did not do anything wrong.

3 Q Do you know if someone used your stamp without
4 authority?

5 MR. WRUBEL: Objection to the form.

6 Q Go ahead.

7 A I don't believe anybody used my stamp without
8 authority.

9 Q And if you knew about it, you would have not
10 authorized it; right?

11 MR. WRUBEL: Objection.

12 A It would not be authorized in any manner.

13 Q All you did was follow the process, didn't you?

14 MR. WRUBEL: Same. Form.

15 A I followed the procedures in the department.

16 MR. SCHWARTZ: By the way, not that we're
17 stipulating to your objection. Jonathan couldn't
18 testify. But I would like to know what that
19 objection is for the record so that we can preserve
20 it for the Judge, if necessary.

21 MR. WRUBEL: He's not a party to the
22 litigation. There's no reason for him to be, you
23 know, asking questions. If he wants to protect her
24 with regards to the questions that I ask, that's
25 fine. But as far as him being involved in this

1 litigation, I see no reason for it.

2 MR. SCHWARTZ: Thanks for stating that on the
3 record.

4 BY MR. SCHWARTZ:

5 Q Do you -- do -- these Internet postings and
6 phone calls, does that affect your personal life in any
7 way once you go home?

8 MR. WRUBEL: Objection to the form.

9 A Well, it does in that I've had a server come to
10 the door. I walk out the building looking around to see
11 if somebody is lurking in the parking lot. I'm
12 screening my phone calls. It's upsetting that my name
13 is on the Internet like this. Having -- I did my job.
14 I followed the procedures. And this kind of stuff on
15 the Internet is very disturbing.

16 Q Do you sometimes take it out on your husband?

17 MR. WRUBEL: Objection to the form.

18 Q Go ahead. Go ahead.

19 A My husband -- I certainly have said things
20 like, Can you believe this? And so I have had
21 discussions with him about -- I called him the other day
22 and said, Somebody called and asked for my address.

23 Q So you share your angst with him?

24 A I do, absolutely.

25 Q Oh, have you had borrowers' lawyers call you at

1 work?

2 MR. WRUBEL: Objection to the form.

3 A I had a law office -- I had a phone call.

4 They -- the number popped up. They hung up. I said,

5 What is this about? I called them back, and it turned
6 out to be a law office.

7 Q Did they tell you what the call was about?

8 A They called a second time --

9 MR. WRUBEL: Wait a minute. Let her finish.

10 A They called a second time on a number that
11 wasn't recognized then, and I called them back. And I
12 said, Did you just call me? And it was in fact a law
13 office, yes.

14 Q And you recognized that as being one of the
15 borrower's counsel? Not in this case but --

16 A Not in this. Yeah, I -- I don't remember now
17 whose counsel it was, but it was a law office related
18 to --

19 Q Did they give you a reason as to why they
20 called --

21 MR. WRUBEL: Objection to form.

22 Q -- when you called them back?

23 A No. They wouldn't talk to me.

24 MR. SCHWARTZ: No more questions.

25 (Break taken.)

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1 MR. WRUBEL: We've got no questions.

2 Ms. Riley, you're allowed to read this
3 deposition.

4 MR. SCHWARTZ: We'll read.

5 MR. WRUBEL: Pardon me?

6 MR. SCHWARTZ: We'll read it.

7 MR. WRUBEL: Okay. We're done.

8 (Witness excused.)

9 (Deposition concluded at 12:23 p.m.)

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1 CERTIFICATE OF OATH

2

3 STATE OF FLORIDA)

4 COUNTY OF DUVAL)

5

6 I,
7 Samantha Cordova, FPR, and a Notary Public, State of
8 Florida, certify that CYNTHIA RILEY personally appeared
9 before me on January 15, 2013, and was duly sworn.

10 WITNESS

11 my hand and official seal on this 18th of January 2013.

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Samantha Cordova, FPR

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1 In re: JP MORGAN CHASE BANK, N.A. vs. EDUARDO OROZCO,
2 et al, 09-29997 CA (11)

2 DEPOSITION OF CYNTHIA RILEY

3 TAKEN - 01/15/2013

4 DATE SENT TO WITNESS: January 18, 2013

5 6 TO: CYNTHIA RILEY
6 c/o Mr. Jonathan Weiss
7 Simpson, Thacher & Bartlett, LLP
7 1999 Avenue of the Stars
8 29th Floor
8 Los Angeles, California 900067

9 Dear Mr. Weiss:

10 11 The referenced transcript has been completed and
11 awaits reading and signing.

12 13 Please arrange to have Ms. Riley read and sign the
12 transcript. The transcript is 92 pages long, and you
13 should allow her sufficient time.

14 15 Please complete by February 18, 2013.

15 16 The original of this deposition has been forwarded
15 to the ordering party, and your Errata Sheet, once
16 received, will be forwarded to all ordering parties as
16 listed below.

17 18 Thank you.

19 20 21 22 Samantha
22 Cordova, FPR

23 24 25 cc: ROLAND E. SCHWARTZ, Esquire
24 MICHAEL J. WRUBEL, Esquire

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E R R A T A S H E E T

3 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES

4 In Re: JP MORGAN CHASE BANK, N.A. vs. EDUARDO OROZCO,
et al, 09-29997 CA (11)

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DEPOSITION OF CYNTHIA RILEY

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TAKEN - 01/15/2013

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23 Under penalties of perjury, I declare that I have read
the foregoing document and that the facts stated in it
24 are true.

25

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1 Date

CYNTHIA RILEY

2

cc: SAMANTHA CORDOVA

3 ROLAND E. SCHWARTZ, Esquire

MICHAEL J. WRUBEL, Esquire

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